

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-21065-CIV-ALTONAGA/Damian

JONATHAN CONDE,

Plaintiff,

v.

CDJ OF 152ND ST MIAMI LLC,

Defendant.

/

**ORDER REQUIRING SUBMISSION OF
SETTLEMENT AGREEMENT FOR COURT APPROVAL**

THIS CAUSE is before the Court on Plaintiff's Notice of Acceptance of Offer of Judgment [ECF No. 43], filed on June 14, 2023.

This is a Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201-219, case in which the parties have stipulated to dismissal, following a settlement. The two circumstances in which FLSA claims may be compromised are claims that are: 1) supervised by the Secretary of Labor, pursuant to 29 U.S.C. § 216(c); and 2) when a court reviews and approves a settlement in a private action for back wages under 29 U.S.C. § 216(b). *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1352 (11th Cir. 1982). Before a court may approve a compromised settlement, it must scrutinize the settlement to determine whether it is a fair and reasonable resolution of a bona fide dispute. *See id.* at 1354-55. In contrast, where a plaintiff is offered full compensation on his or her FLSA claim, no compromise is involved and judicial approval is not required. *See Mackenzie v. Kindred Hosp. E., L.L.C.*, 276 F. Supp. 2d 1211, 1217 (M.D. Fla. 2003).

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The parties are therefore instructed to submit by **June 28, 2023**, for the undersigned's review and approval, their proposed settlement, should the Plaintiff not have been offered full compensation on the FLSA claim filed. Where a settlement must be approved by the Court, the settlement becomes a part of the judicial record, and therefore, may not be deemed confidential even if the parties so consent. *See, e.g., Jessup v. Luther*, 277 F.3d 926 (7th Cir. 2002) (noting that even when a settlement is entered into the court's file under seal it becomes part of the judicial record). Accordingly, the parties are not to submit their settlement agreement under seal.

DONE AND ORDERED in Miami, Florida, this 14th day of June, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record